

REMARKS

Claims 4, 5, 9-12, 14, and 15 are pending in the application upon entry of the amendments. Claims 4, 9, 11, and 14 have been amended to better describe the invention. Favorable reconsideration in light of the amendments and the remarks which follow is respectfully requested.

The Novelty Rejections

Claims 4, 5, 9-12, 14, and 15 have been rejected under 35 U.S.C. § 102(e) over Guthrie et al (US Patent No. 6,251,400, hereinafter called "Guthrie"). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Guthrie does not describe, teach or suggest each and every limitation of the subject claims.

Guthrie et al relates to administering a citrus limonoid alone or in combination with tocotrienols or citrus flavonoids including tangeretin and nobiletin for prevention and treatment of neoplastic diseases, breast cancer, immune suppression, toxicity induced by anticancer chemotherapeutic agents, atherosclerosis, hypercholesterolemia, or cardiovascular diseases. According to Guthrie, citrus limonoids alone or in combination with tocotrienols or citrus flavonoids has an ability to inhibit tumor cell proliferation, to inhibit the metastatic spread of tumor cells, or to prevent immuno-suppression and toxicity induced by chemotherapeutic agents (column 6, lines 11-15). Citrus flavonoids have an ability to lower cholesterol, to inhibit liver cholesterol synthesis, and to inhibit LDL cholesterol and apo-B synthesis (column 6, lines 28-30). Guthrie discloses that limonoids, flavonoids, tocotrienols and/or tamoxifen inhibit proliferation of the breast cancer cells in Section 6 of Example (column 9, line 41 to column 11, line 62), and that naringenin and hesperetin, which are outside of the claimed invention, reduce liver cholesterol concentration in rabbits and overall production of apo-B in HepG2 cell in Section 7 of Example (column 11, line 63 to column 13, line 47).

Nothing in Guthrie suggests impliedly or inherently the claimed method for extending neurites (claims 4, 5, 11, 12, 14, and 15) and treating encephalic ischemia (claims 9 and 10).

To establish inherency, the extrinsic evidence "must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient." *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999) (citations omitted). MPEP §2112 IV.

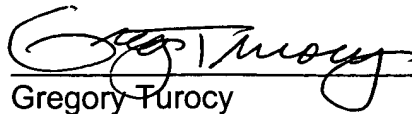
Guthrie discloses that limonoids, flavonoids, tocotrienols and/or tamoxifen can be used for treating neoplastic diseases by showing that those compounds inhibit tumor cell proliferation. "Tangeretin and nobiletin inhibited these cells more effectively than other flavonoids tested to date, with an IC50 of 0.4 & 0.8 µg/mL respectively in the ER+ cells." (column 11, lines 50-52 of Guthrie) This means that tangeretin and nobiletin effectively inhibit cell growth by 50% at the low concentration. Guthrie rather teaches away the claimed method for treating neurodegeneration diseases by extending neurites. It is submitted that the Examiner has not provided a sufficient basis in fact and/or technical reasoning to reasonably support the inherency assertion based on the teachings of Guthrie.

Should the Examiner believe that a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact Applicants' undersigned attorney at the telephone number listed below.

In the event any fees are due in connection with the filing of this document, the Commissioner is authorized to charge those fees to our Deposit Account No. 50-1063.

Respectfully submitted,

AMIN & TUROCY, LLP

A handwritten signature in cursive script, appearing to read "Greg Turocy", is written over a horizontal line.

Gregory Turocy
Reg. No. 36,952

24th Floor, National City Center
1900 East 9th Street
Cleveland, Ohio 44114
(216) 696-8730
Fax (216) 696-8731